IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2637 OF 1998

The Antifriction Bearing
Corporation Limited ... Applicant

versus

TTG Industries Ltd. & ors. ... Respondents

...

Mr. Prakash Naik, for the Applicant.

Ms. Sheetal Shah for Mehta & Girdharlal, for the Respondent Nos. 1 and 2.

Mr. K.V. Saste, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

16th December 2004

P.C.:

. This Note has been moved by the Advocate for speaking to the minutes in respect of decision dated 27th February 2003 passed by this Court in terms of Rule 2 of Chapter XI, read with Rule 1 of Chapter XXVI, of the Bombay High Court Appellate Side Rules, 1960 (as amended upto date). It is brought to my notice that there is

obvious mistake occurring in the operative part of the order as passed on 27th February 2003 to the effect that this Court has directed the trial Court to expedite the hearing and complete the trial within six months from the date of the order, when, in fact, the matter in issue before this Court in Criminal Application was an order passed by the Court below discharging the Respondents Nos. 1 to 3. It is seen from the earlier part of the order that this Court has dismissed the petition being devoid of merits. In other words, this Court has upheld the order passed by the lower Court discharging the Respondents Nos. 1 to 3. If it is so, there can be no reason to issue further direction to the trial Court to expedite the hearing of the trial to conclude within six months. In the circumstances, the following portion of the order dated 27th February 2003 will stand effaced from the record.

> " . . . It is a matter relating to section 138 of the Negotiable Instruments Act. Therefore, trial court is directed to expedite the hearing and complete the trial within six months. It shall

forward progress report per month before 10th instant of every month. Failure would invite serious consequences. The accused be summoned by the trial Court."

. Ordered accordingly.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)